

ORIGINAL
TO U.S. COURTRECEIVED
IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
2006 JAN -5 A 9:45CEDRA P. HADLEY, IT. CLK
U.S. DISTRICT COURTPICKY WANE DAVIS # 173073
Full name and prison number
of plaintiff(s)v. SGT. BRYANT
DONAL CAMPBELL, GARLANDYN
MOSLEY, SGT. BAXLEY, CO 1
FLOYD, COI WILLIAMS,
AND OTHERS, PRISON HEALTH
SERVICES, NURSE MCKINLEYName of person(s) who violated
your constitutional rights.
(List the names of all the
persons.)CAPT. KENNETH SCOTTYERS
OFFICER X - C.E.R.T.

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? YES () NO (☒)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? YES () NO (☒)
- C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s) N/ADefendant(s) N/A

2. Court (if federal court, name the district; if state court, name the county)

N/ACIVIL ACTION NO. 2:06cv10.F
(To be supplied by Clerk of
U.S. District Court)

3. Docket number _____
4. Name of judge to whom case was assigned _____
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____
6. Approximate date of filing lawsuit _____
7. Approximate date of disposition _____

II. PLACE OF PRESENT CONFINEMENT EASTERNING CORRECTIONAL FACILITY, 5B-11, 200 WALLACE DR. C10, APT. 36017

PLACE OR INSTITUTION WHERE INCIDENT OCCURRED SEGREGATION UNIT, B-SIDE, EASTERNING CORRECTIONAL FACILITY

III. NAME AND ADDRESS OF INDIVIDUAL(S) YOU ALLEGE VIOLATED YOUR CONSTITUTIONAL RIGHTS.

NAME	ADDRESS
1. <u>GUENDOLY A MOSLEY</u>	<u>200 WALLACE DR. C10, 36017</u>
2. <u>NURSE MCKINLEY</u>	<u>200 WALLACE DR. C10, 36017</u>
3. <u>Sgt. BAXLEY</u>	<u>200 WALLACE DR. C10, 36017</u>
4. <u>Sgt. BRYANT</u>	<u>200 WALLACE DR. C10, 36017</u>
5. <u>COL FLOYD</u>	<u>200 WALLACE DR. C10, 36017</u>
6. <u>COL WILLIAMS</u>	<u>200 WALLACE DR. C10, 36017</u>

IV. THE DATE UPON WHICH SAID VIOLATION OCCURRED _____
DEC. 30, 2005. ABOUT 2:30-3:30 AM.

V. STATE BRIEFLY THE GROUNDS ON WHICH YOU BASE YOUR ALLEGATION THAT YOUR CONSTITUTIONAL RIGHTS ARE BEING VIOLATED:

GROUND ONE: 14TH AMENDMENT VIOLATIONS

STATE BRIEFLY THE FACTS WHICH SUPPORT THIS GROUND. (State as best you can the time, place and manner and person involved.)

I WAS TAKEN FROM MY CELL, 5B-11, AT ABOUT 2:30-300 AM
HAND-COPPED BEHIND MY BACK, TO THE LOBBY AND
THEO SLAPPED AROUND REPEATEDLY BY SGT. BRYANT,
MY EYE IS BLACK, MY TEETH ARE LOOSE, MY EAR IS
STILL RINGING, COI FLOYD, COI WILLIAMS TOOK ME TO LOBBY.

GROUND TWO: FIRST AMENDMENT VIOLATIONS

SUPPORTING FACTS: I AM DENIED MY MEDICINE BAG,
ANY CONTACT OR SUPPORT FROM THE NATIVE
AMERICAN COMMUNITY, NO CEREMONIES OR RITUALS
RAMADAN IS PRACTICED AND HELD FOR MUSLIM
INMATES, CHRISTIAN PRISONERS ARE ALLOWED
HOLY BIBLES

GROUND THREE:

SUPPORTING FACTS: PLEASE SEE ENCLOSED
AFFIDAVITS FROM INMATES, THOMAS ADAMS,
MICHAEL BRAZZEL, GARRETT GAINES, CEDRIC
BROOKS (FROM CIVIL ACTION # 2:05-CV-1130-T
MICHAEL ALBO BRAZZEL, PLAINTIFF, DECLARATION OF
NAMED AFFIDAVITS) 12-6-05)

VI. STATE BRIEFLY EXACTLY WHAT YOU WANT THE COURT TO DO FOR YOU. MAKE NO LEGAL ARGUMENT. CITE NO CASES OR STATUTES.

PRELIMINARY INJUNCTION, TEMPORARY RESTRAINING
ORDER, INVESTIGATION OF C.E.R.T., DECLARATORY
JUDGMENT, PUNITIVE DAMAGES, JURY DEMAND

X Ricky Wade Davis # AIS 173073
Signature of plaintiff(s)

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on _____
(Date)

X Ricky Wade Davis # AIS 173073
Signature of plaintiff(s)

CERTIFICATE OF SERVICE

I, hereby certify that I have sent a copy of, Complaint of Ricky D. Wade - 173073, Form A Pauper's Affidavit, and the Affidavits of Thomas Adams, Michael Bratzell, George Brooks, and Garrett Collins to the Legal Counsel for the Ala. D.O.C., properly addressed and postage pre-paid. to:

Kim Thomas, Legal Counsel

301 S. Pikey St.

P.O. Box 301501

Montgomery, Ala. 36130-1501

X Ricky Wade Davis #173073 ^{AS}

RICKY WADE DAVIS - 173073

SB-11 E.C.F.

200 WALLACE DR.

CLID, AUBURN 36017

DONE THIS 3rd day of JANUARY, 2006

LEGAL USE ONLY

~~Original~~
to U.S. COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RICKY WADE DAVIS, PRO SE
PLAINTIFF

v.

ERNESTO MOSLEY,
WARDEN III, ET. AL.

DEFENDANTS

2:06cv10-F

DECLARATION, AFFIDAVIT

COMES NOW THE PLAINTIFF, RICKY WADE DAVIS - #173073, A STATE PRISONER, who before this Honorable Court, pursuant to 28 U.S.C. 1746, deposes the following;

Affidavit

I hereby certify under the penalty of perjury, that the following is true and correct to the best of my ability and belief.

I am over 21 years old.

ON DECEMBER 30, 2005, AT ABOUT 2:30-3:00 AM, I WAS WAKE-UP BY COL FLOYD, COL WILLIAMS, SGT. ^{BRYANT} ~~BRYANT~~ WHO THEN TOLD ME THEY HAD TO CHANGE BED FRAMES FROM MY CELL (SB-11) AND (SB-9).

I ASKED, "WHY DON'T YOU JUST MOVE ME?" I WAS THEN TOLD THAT, "WE CAN'T MOVE YOU, SGT. NOLAN IS THE ONE THAT ASSIGNED YOU THIS CELL." SGT. NOLAN IS THE SEQUESTRATION COMMANDER AND WORKS ONLY 1ST SHIFT NON-FM. OTHERWISE THERE ARE NO SUPERVISORS ASSIGNED TO SEQUESTRATION.

I WAS HAND-CUFFED BEHIND MY BACK, AND THE DOUBLE-FRAME WAS MOVED FROM SB-11 TO SB-9, AND THE SINGLE FRAME WAS MOVED TO CELL SB-11 (MY CELL).

I WAS TOLD BY COL FLOYD TO, "HELP MOVE THESE BEDS," I TOLD HIM, "I'M HAND-CUFFED I CAN'T MOVE BEDS!"

(1)

CO1 Floyd, BECAME ANGRY AND THEN TOLD ME, "I'LL WRITE YOU UP FOR FAILURE TO OBEY,"

AFTER THE SINGLE-FRAME WAS PUT IN MY CELL, CO1 Floyd BEGAN TO CURSE ME, AND VERBALLY ABUSE ME. I STILL DON'T KNOW WHY.

I ASKED BOTH OFFICERS TO "CUT MY LIGHT OFF," THE OFFICER SAID SOMETHING THAT I DIDN'T UNDERSTAND AND WALKED OFF.

I KICKED THE DOOR TO MY CELL, TWICE, AND HONORED FOR THEM TO CUT MY CELL-LIGHT OFF!

Sgt. BRYANT, CO1 Floyd and CO1 WILLIAMS CAME BACK TO MY CELL AND TOLD ME TO, "PUT THESE HAND-CUFFS ON." I PUT MY ARMS THRU THE TRAY-HOLE AND WAS HAND-CUFFED BEHIND MY BACK. I WAS NOT ALLOWED TO PUT A JUMP-SUIT ON.

I WAS TAKEN TO THE "OFFICE", Sgt. BRYANT TOLD, CO1 Floyd AND CO1 WILLIAMS TO, "STEP OUTSIDE", LEAVING ME ALONE WITH THIS SARGENT WHILE HAND-CUFFED BEHIND MY BACK.

Sgt. ^{BRYANT} ~~WILLIAMS~~ LOCKED THE DOOR AND WALKED BACK TO WHERE I WAS STANDING, WITHOUT ANY PROVOKATION WHEN SLAPPED ME SEVERAL TIMES, THESE BLOWES TO MY HEAD WERE SO HARD I WAS KNOCKED DOWN AND INTO A

CHAIR. SGT. BRYANT THEN STARTED TO POKE ME IN MY FOREHEAD AND WHIPPED ME, SAYING "WHEN YOU GO BACK TO YOUR CELL, YOU BETTER NOT SAY ANYTHING."

I ASKED TO BE TAKEN TO THE H.C.U. (HEALTH CARE UNIT) BECAUSE MY MOUTH WAS BLEEDING AND MY EAR WAS RINGING, MY EYE STARTED TO SWELL IMMEDIATELY.

AT ABOUT 3:00-3:30 AM NURSE MCKINLEY CAME AROUND TO SEC. UNIT FOR "EARLY PILL-CALL", MYSELF AS WELL AS OTHER INMATES TOLD HER WHAT HAD JUST HAPPENED. PRISON HEALTH SERVICES NURSE MCKINLEY COMPLETELY IGNORED ALL ATTEMPTS BY ANYONE TO GET ME ANY EMERGENCY TREATMENT, SHE WAS BEING ESCORTED BY COL FLOYD AND COL WILLIAMS.

ONE OF THE NAMED DEFENDANTS, SWORDTHORN MOSLEY, WARDEN III, NURSE MCKINLEY, SGT. BRYANT, COL WILLIAMS AND COL FLOYD, ARE ALL AFRICAN-AMERICAN. I AM WHITE/NATIVE AMERICAN, AND BELIEVE THAT THIS BRUTALITY, ABUSE AND PREDICTABLE TREATMENT IS RACIALLY MOTIVATED.

IT IS MY BELIEF THAT THE NUMBER OF BLACK PERSONNEL WHO ARE EMPLOYED AT THE EASTGATE CORRECTIONAL FACILITY IS NOW SERIOUSLY DISPROPORTIONATE TO THE NUMBER OF WHITE PRISONERS AND CREATES AN

overwhelming atmosphere of preferential treatment, which I believe is bordering on discrimination and racism.

When 1st shift came on at 6:00 am, I asked Sgt. Nelson to be taken to H.C.U. and have a body chart done, I was taken about 8:00-9:00 am. This body-chart is on file.

Later on that day, Capt. Kenneth Sconyers came to segregation unit questioned me and 2 other inmates, Garrett Gaines, and Cedric Brooks and took some notes from us.

4 inmates, Thomas Adams, Michael Brazell, Garrett Gaines, and Cedric Brooks saw these officers take me out and what I looked like when I was brought back.

I here by Affirm by oath and signature that the foregoing Affidavit is true and correct to the best of my belief and knowledge.

X Ricky Wade Davis 173073

RICKY WADE DAVIS - 173073

5B-11 E.C.F.

200 WALL ACE DR.

CLUB, ALA. 36017

DONE THIS

DAY of
(4)

2006